

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Frederick Dewayne Hines,

File No. 23-cv-2692 (ECT/DJF)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

State of Minnesota, County of Washington,
City of Stillwater, City of Bayport, Paul
Schnell, Michele Smith, Nannette Larson,
William Bolin, Guy Bosch, Sherlinda
Wheeler, Marisa Williams, Unknown Otoo,
Kathy Reid, Sue Norton, Jenny Carufel,
Chris Pawelk, Stephen Craane, T. Weeks,
Unknown Connors, Unknown Darling, D.
Kenyon, Joan Wolff, Bronson Austreng,
Rachel Culver, Abby Domagalski, Amber
Swanson, Unknown Demay, Unknown
Detsch, Genet Ghebre, Unknown Nyemah,
Steve McCarty, Unknown Herrington,
Adam Perry, Unknown Hennen, Unknown
Ozzello, Unknown Spets, Chad Mercure,
Matthew Johnson, J. Ecker, Unknown
Ramussen, Unknown Grandy, Unknown
Willard, Unknown Bune, Gary Scott,
Unknown Giraud, J. Deveny-Leggit,
Unknown Ziggler, Unknown Stevenson,
Unknown Lewis, Minnesota Department of
Corrections, Central Office, and all agents,
employees,

Defendants.

Magistrate Judge Dulce J. Foster issued a Report and Recommendation on November 30, 2023. ECF No. 5. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b);

Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 5] is **ACCEPTED**;
2. This action is **DISMISSED without prejudice** under Federal Rule of Civil Procedure 41(b) for failure to prosecute; and
3. Plaintiff Frederick Dewayne Hines's Application to Proceed in District Court Without Prepaying Fees or Costs [ECF No. 3] is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 2, 2024

s/ Eric C. Tostrud

Eric C. Tostrud
United States District Court